

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CATHY D. BROOKS-MCCOLLUM :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 04-419 JJF
 :
 STATE FARM INSURANCE COMPANY, :
 :
 Defendant. :

O R D E R

WHEREAS, Plaintiff filed a Motion for Indemnification (D.I. 5) asking the Court to order Defendants to "make all payments incurred to date in accordance to the Emerald Ridge Service Bylaws, and in accordance to the [Chancery Court Order] given on June 24, 2004";

WHEREAS, subsequently, Plaintiff filed a Motion To Stay Until Indemnification Is Confirmed Against State Farm Per Chancery Court July 24, 2004, Order Indemnifying Plaintiff (D.I. 10);

WHEREAS, insofar as Plaintiff's Motion for Indemnification petitions the Court to enforce the Chancery Court's June 24, 2004, Order, the Court lacks jurisdiction for such enforcement;

WHEREAS, insofar as Plaintiff's Motion for Indemnification petitions the Court to review the order of the Chancery Court, the Court is estopped from such review because (1) the issue is identical to the issue decided in the Chancery Court; (2) the issue was litigated in the Chancery Court; (3) resolution of the issue was essential to a final judgment in the Chancery Court;

and (4) plaintiff had a full and fair opportunity to litigate the issue in the Chancery Court;

NOW THEREFORE, IT IS HEREBY ORDERED that:

1) Plaintiff's Motion for Indemnification (D.I. 5) is **DENIED**;

2) Plaintiff's Motion To Stay Until Indemnification Is Confirmed Against State Farm Per Chancery Court 7/24/04 Order Indemnifying Plaintiff (D.I. 10) is **DENIED** as moot.

March 31, 2005
DATE


UNITED STATES DISTRICT JUDGE